

Remarks/Arguments

The examiner in an Office Action dated 4 December 2001 rejected all of the pending claims 1-21. As such, this Office Action and the references cited therein have been carefully considered and this amendment is now presented in an effort to comply with Patent Office requirements and advance prosecution of the application.

The examiner rejected claims 1-21, under 35 USC 112, as being indefinite. More specifically, the examiner noted that the element called a "rotating feeding element" in claim 1 was later referenced as a "feeding device". With this amendment the "rotating feeding element" has been changed to a "rotating feeding device" and is referenced in later portions of the claims "feeding device". It is respectfully submitted that these changes traverse the examiner's rejection placing the claims into an allowable format.

The examiner rejected claims 1-3, 5, 7, 9 and 10, under 35 USC 102, as being anticipated by WO99/03323. In addition, the examiner rejected claims 4-8, under 35 USC 103, as being obvious over the same reference WO99/03323. Claims 11-20 were rejected, under 35 USC 103, as being obvious over WO99/03323 in view of Herron et al. The examiner rejected claim 21, under 35 USC 103, as being obvious over WO99/03323 in view of Miller.

The reference WO99/03323 is directed to an apparatus for harvesting maize commonly referred to as a corn header. The corn header is provided with a picking device comprising two picking rollers 10 and 11 that pull a stalk downwardly through a slot 31 defined by two snapping plates 16 and 17. A chopping device 21 is located below the picking rollers 10 and 11 for chopping the stalk as it exits the picking rollers 10 and 11. Two gathering chains 18 and 19 located on opposite sides of the slot 31 are positioned above the picking rollers 10 and 11. The gathering chains follow an oblong path to gather picked ears of corn directing them to cross auger 6.

Claim 1, the sole independent claim, calls for "a rotating feeding device having a feeding radius". The examiner has equated the oblong gathering chains with a feeding device having a feeding radius. The oblong gathering chains do not have a feeding radius as called for in the claims. A radius is a constant distance extending from the center of a circle or sphere. An oblong structure is not a circle or a sphere. It is respectfully submitted that as WO99/03323 was the base reference for all of the rejections, and it fails to teach a feeding radius, the rejections are traversed.

"Version with Markings to Show Changes Made"

1. A feeding and picking device for feeding and picking a standing agricultural crop wherein individual plants in the crop are provided with plant stalks, the device comprising a rotating feeding device element having a feeding radius, the rotating feeding element grasp plant stalks and directs the plant stalks to a picking device which separates useable parts from the plant stalks, a chopping device chops the plant stalks, the chopping device has a chopping radius that overlaps the feeding radius of the feeding device.

5. The feeding and picking device as defined by claim 1 wherein the chopping device has a chopping axis and the feeding axis of the feeding device ~~has a feeding axis and these axes~~ correspond to one another.

12. The feeding and picking device as defined by claim 11 wherein the chopping device has a chopping axis and the feeding axis of the feeding device ~~has a feeding axis, the chopping axis and the feeding axis~~ are approximately parallel to one another.

14. The feeding and picking device as defined by claim 13 wherein the chopping device rotates in a chopping direction and the feeding device element rotates in a feeding direction, the ~~shopping~~ chopping direction and the feeding direction are identical.

15. The feeding and picking device as defined by claim 13 wherein the chopping device rotates in a chopping direction and the feeding device element rotates in a feeding direction, the chopping direction and the feeding direction are opposite.

In conclusion, it is believed that this application is in condition for allowance, and such allowance is respectfully requested.

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Respectfully,



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